

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

vs.

Case No.: 3:98-CR-198-01(PG)

EDGARDO CALES-LOPEZ

aka: Gardi

**MOTION FOR THE ISSUANCE OF A
SUMMONS AND TOLLING OF THE SUPERVISION TERM**

**TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
SENIOR U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, MALISSA Y. APONTE, U.S. PROBATION OFFICER of this Court, presenting an official report on the conduct and attitude of releasee, Edgardo Cales-López, who on March 8, 2002, was sentenced to serve twelve (12) months and one (1) day of imprisonment to be followed by a three (3) year term of supervised release. As a special condition, he was ordered to pay a restitution to Medicare in the amount of \$346,000.00. On December 4, 2003, Mr. Cales-López, was released from custody at which time his supervised release term commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

Information received from the Financial Specialist of the U.S. District Court Clerk's Office revealed that Mr. Cales-López had last made payment of \$407.57 in November of 2005, since his

release from custody. According to Mr. Cales-López, he was unable to make restitution payments due to being a full time student and being unemployed. However, on September 7, 2006, upon reporting that he had commenced employment, an agreed upon monthly payment schedule of \$200.00 was established to commence in said month. Mr. Cales-López failed to make his agreed payments for the months of September and October, 2006. As a result, a certified letter was sent to Mr. Cales-López instructing him to report on October 24, 2006, with a \$400 money order. He failed to report on said date but called claiming that he had just received the certified letter. On October 27, 2006, Mr. Cales- López reported with a \$400 money order.

On October 27, 2006, Mr. Cales-López agreed to make, yet, another \$400 payment on November 15, 2006, in order to meet his November and December restitution payments prior to his scheduled termination date of December 3, 2006. On November 15, 2006, Mr. Cales-López failed to report as instructed with the \$400 money order. Instead, he called this officer claiming that he was only able to obtain a \$200 money order. Mr. Cales-López was instructed to report and make said payment directly to the Clerk's office, which he subsequently did.

Mr. Cales-López, was advised that the Court would be notified as to his non-compliance toward his agreed upon payment schedule and that action would be requested. It is clear that Mr. Cales-López, will not be able to satisfy his financial obligation before the expiration of his supervised release term which is scheduled for December 3, 2006.

WHEREFORE, I declare under the penalty of perjury that the foregoing is true and correct. In view of the aforementioned, it is respectfully requested that a summons be issued to the offender so that he may appear before this Honorable Court to show cause why the supervision term should

not be revoked. It is also requested that the Court order the tolling of the supervision term pending the final resolution of this case. Thereupon, he be dealt with pursuant to law.

In San Juan, Puerto Rico, this day of November 20th, 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: José A. Ruiz, Assistant U.S. Attorney and Teodoro Méndez-Lebrón, Esquire.

At San Juan, Puerto Rico this 20th day of November, 2006.

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